

30238

39153

DEC 20 1996

Vol. 196 Page 39517

Vol. 197 Page 18057

TRUSTEE'S NOTICE OF DEFAULT AND ELECTION TO SELL
AND
TRUSTEE'S NOTICE OF SALE

Reference is made to that Trust Deed wherein DAN R. COX and MICHAEL L. BROWN, each as to an undivided interest of 50%, are grantors; ASPEN TITLE & ESCROW COMPANY, INC., is Trustee; and ROBERT V. WETHERN, SR., is Beneficiary, recorded in Official/Microfilm Records, Vol. 192, page 19527, or as file/reel/document/instrument number _____, Klamath County, Oregon, covering the following described real property in Klamath County, Oregon:

97
10-30
12-31
Lots 1, 2, and 24, Block 129, KLAMATH FALLS FOREST ESTATES, HIGHWAY 66 UNIT, PLAT NO. 4, in the County of Klamath, State of Oregon.

Code 36 Map 3811-1AO TL 100

Code 36 Map 3811-1AO TL 200

Code 36 Map 3811-1AO TL 1300

No action is pending to recover any part of the debt secured by the trust deed.

The obligation secured by the trust deed is in default because the grantor has failed to pay the following: payment due the 21st day of June 1996 in the amount of \$70.13 and a like payment on the 21st day of each month thereafter; failure to pay real property taxes for the year 1996-97.

The sum owing on the obligation secured by the trust deed is: \$16,688.94 plus interest at the rate of 10.% per annum from 5/21/96,

plus trustee's fees, attorney's fees, foreclosure costs and any sums advanced by beneficiary pursuant to the terms of said trust deed.

Beneficiary has and does elect to sell the property to satisfy the obligation pursuant to ORS 86.705 to 86.795.

The property will be sold as provided by law on April 30, 1997 at 10:30 o'clock a.m. based on standard of time established by ORS 187.110 at 540 Main St., #301, Klamath Falls, Klamath, County, Oregon.

Interested persons are notified of the right under ORS 86.753 to have this proceeding dismissed and the trust deed reinstated by payment of the entire amount then due, other than such portion as would not then be due had no default occurred, together with costs, trustee's and attorney's fees, and by curing any other default complained of in this Notice, at any time prior to five days before the date last set for sale.

This communication is an attempt to collect a debt. Any information obtained will be used for that purpose.

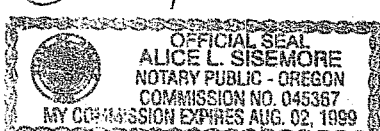
Dated: December 20, 1996.

William L. Sisemore
William L. Sisemore, Successor Trustee

STATE OF OREGON, County of Klamath ss

The foregoing was acknowledged before me on December 20, 1996, by William L. Sisemore,

Alice L. Sisemore, Notary Public for Oregon-My Commission Expires: 08/02/99



Certified to be a true copy:

Attorney for Trustee

STATE OF OREGON, County of Klamath ss

Filed for record on December 20, 1996, at 10:26 o'clock A.M. and recorded in 196 page 39517 or as file/reel/document/instrument number: 30238 of mortgages.

Bernetha G. Letsch Klamath County Clerk, by Kathleen B. Bazz

After recording, return to:
William L. Sisemore
Attorney at Law
540 Main Street, #301
Klamath Falls, OR 97601

Fee: \$10.00

INDEXED

D✓✓

OK

18058

AMENDED TRUSTEE'S NOTICE OF SALE (after release from stay)

Reference is made to that certain trust deed made by Dan R. Cox & Michael L. Brown, each as to an undivided interest of 50% Aspen Title & Escrow Company, Inc., as grantor, to Robert V. Wethern, Sr., as trustee, in favor of Robert V. Wethern, Sr., as beneficiary, dated June 21, 1992, recorded August 27, 1992, in the mortgage records of Klamath County, Oregon, in book/reel/volume No. M92 at page 19527, fee/file/instrument/microfilm/reception No. _____ (indicate which), covering the following described real property situated in said county and state, to-wit: Lots 1, 2, and 24, Block 129, Klamath Falls Forest ESTATES, HIGHWAY 66 UNIT, PLAT NO. 4, in the County of Klamath, State of Oregon.
 Code 36 Map 3811-1A0 TL 100
 Code 36 Map 3811-1A0 TL 200
 Code 36 Map 3811-1A0 TL 1300

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said trust deed and a notice of default has been recorded pursuant to Oregon Revised Statutes 86.735(3); the default for which the foreclosure is made is grantor's failure to pay when due the following sums:

By reason of said default the beneficiary has declared all sums owing on the obligation secured by said trust deed immediately due and payable, said sums being the following, to-wit: failure to pay payment due on the 21st day of June 1996 in the amount of \$70.13 & a like payment on the 21st day of each month thereafter; failure to pay real property taxes for the year 1996-97. Balance owing is \$16,688.94 + interest at the rate of 10.0% per annum from 5/21/96.

The Notice of Default and original Notice of Sale given pursuant thereto stated that the property would be sold on April 30, 1997, at the hour of 10:30 o'clock A.M., in accord with the standard of time established by ORS 187.110, at 540 Main St., #301, in the City of Klamath Falls, County of Klamath, State of Oregon; however, subsequent to the recording of said Notice of Default the original sale proceedings were stayed by order of the court or by proceedings under the National Bankruptcy Act or for other lawful reason. The beneficiary did not participate in obtaining such stay. Said stay was terminated on May 11, 1997.

WHEREFORE, notice hereby is given that the undersigned trustee will on June 11, 1997, at the hour of 10:00 o'clock A.M., in accord with the standard of time established by ORS 187.110 at 540 Main St., #301, in the City of Klamath Falls, County of Klamath, State of Oregon, (which is the new date, time and place set for said sale) sell at public auction to the highest bidder for cash the interest in the said described real property which the grantor had or had power to convey at the time of the execution by him of the said trust deed, together with any interest which the grantor or his successors in interest acquired after the execution of said trust deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale, including a reasonable charge by the trustee. Notice is further given that any person named in ORS 86.753 has the right, at any time prior to five days before the date last set for the sale, to have this foreclosure proceeding dismissed and the trust deed reinstated by payment to the beneficiary of the entire amount then due (other than such portion of the principal as would not then be due had no default occurred) and by curing any other default complained of herein that is capable of being cured by tendering the performance required under the obligation or trust deed, and in addition to paying said sums or tendering the performance necessary to cure the default, by paying all costs and expenses actually incurred in enforcing the obligation and trust deed, together with trustee's and attorney's fees not exceeding the amounts provided by said ORS 86.753.

In construing this notice, the masculine gender includes the feminine and the neuter, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by said trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

DATED May 21, 1997.

William L. Sisemore

State of Oregon, County of Klamath ss:

William L. Sisemore,

Successor Trustee

I, the undersigned, certify that I am the attorney or one of the attorneys for the above named trustee and that the foregoing is a complete and exact copy of the original trustee's notice of sale as amended.

Attorney for said Trustee

Affidavit of Publication

STATE OF OREGON, COUNTY OF KLAMATH

I, Julie Hughes, Office Manager,
being first duly sworn, depose and say
that I am the principal clerk of the
publisher of the Herald and News
a newspaper in general circulation, as
defined by Chapter 193 ORS, printed and
published at Klamath Falls in the
aforesaid county and state; that the

LEGAL #9091

TRUSTEE'S NOTICE.....

a printed copy of which is hereto annexed,
was published in the entire issue of said
newspaper for FOUR

(4) insertion(s) in the following issues:

DECEMBER 27, 1996

JANUARY 3/10/17, 1997

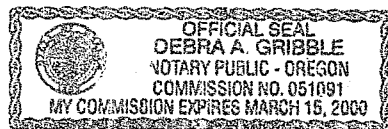
Total Cost: \$328.64

Subscribed and sworn before me this 17TH
day of JANUARY 19 97

Debra A. Gribble

Notary Public of Oregon

My commission expires 3.15.2000



TRUSTEE'S NOTICE ORS 86.705 to 86.795.
OF DEFAULT AND ELECTION TO SELL. The property will be
sold as provided by law
AND on April 30, 1997 at 10:30
TRUSTEE'S NOTICE OF SALE. based on
standard of time estab-
Reference is made to ORS 107.110 at
that Trust Deed when 240 Main Street, Suite
ein DAN R. COX and 301, Klamath Falls, Or-
MICHAEL L. BROWN, Esq., Klamath County,
each as to an undivided Oregon,
interest of 50%, are interested persons are
grants: ASPEN TR- notified of the right un-
TLE & ESCROW COM- der ORS 86.753 to have
PANY, INC., is Trust- this proceeding dis-
tee: and ROBERT V. missed and the trust
WETHERN, SR., is dead reinstated by pay-
Beneficiary, recorded ment of the entire
in Official/Microfilm amount then due, other
Records, Vol. 4492, than such portion as
page 19527, or as file/ would not then be due
real/document/instru- had no default oc-
ment number, Klamath curred, together with
County, Oregon, cover- costs, trustee's and at-
ing the following de- torney's fees, and by
scribed real property in curing any other de-
Klamath County, Ore- fault complained of in
gon: this notice, at any time
Lots 1, 2 and 24, Block prior to five days be-
129, KLAMATH FALLS fore the date last set
FOREST ESTATES, for sale.
HIGHWAY 66 UNIT; This communication is
PLAT NO. 4, in the an attempt to collect a
County of Klamath, debt. Any information
State of Oregon. obtained will be used
Code 36 Map 3811-1AO for that purpose.
TL 100 Dated: December 20,
Code 36 Map 3811-1AO 1996.
TL 200 William L. Sisemore,
Code 36 Map 3811-1AO Successor Trustee
TL 1300 1997 December 27, 1996
No action is pending to, January 3, 10, 17, 1997
recover any part of the
debt secured by the
trust deed.
The obligation secured
by the trust deed is in
default because the
grantor has failed to
pay the following: pay-
ment due the 21st day
of June 1996 in the
amount of \$70.13 and a
like payment on the
21st day of each month
thereafter; failure to
pay real property taxes
for the year 1996-97.
The sum owing on the
obligation secured by
the trust deed is:
\$16,583.94 plus interest
at the rate of 10.5% per
annum from 5/21/96,
plus trustee's fees, at-
torney's fees, foreclo-
sure costs and any
sums advanced by ben-
eficiary pursuant to the
terms of said trust
deed.
Beneficiary has and
does elect to sell the
property to satisfy the
obligation pursuant to

CC

18060



AFFIDAVIT OF MAILING AMENDED TRUSTEE'S NOTICE OF SALE
(after release from stay)

STATE OF OREGON, County of Klamath, ss:

I, William L. Sisemore, being first duly sworn, depose, and say and certify that:

At all times hereinafter mentioned I was and now am a resident of the State of Oregon, a competent person over the age of eighteen years and not the beneficiary or his successor in interest named in the attached original notice of sale given under the terms of that certain trust deed described in said notice.

I gave notice of the sale of the real property described in the attached Amended Trustee's Notice of Sale by mailing a copy thereof by registered or certified mail to each of the following named persons (or their legal representatives, where so indicated) at their respective last known addresses, to-wit:

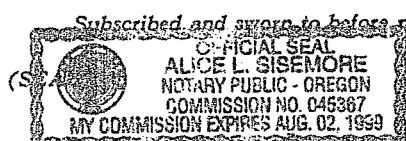
NAME	ADDRESS
Dana Reed Cox, AKA Dan Cox 2815 E. North Lane Phoenix, AZ 85028	Michael L. Brown 2815 E. North Lane Phoenix, AZ 85028

Dana Reed Cox, AKA
Dan Cox
1302 W. Whitton Avenue
Phoenix, AZ 85013

Said Amended Trustee's Notice of Sale was given in compliance with ORS 86.755(6), within 30 days after release from a stay of the foreclosure proceedings, and the above named persons include all of those persons listed in ORS 86.740 and ORS 86.750(1).

Each of the notices so mailed was certified to be a true copy of the original notice of sale by William L. Sisemore, attorney for the trustee named in said notice; each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Klamath, Oregon, on May 21, 1997, which was within 30 days after release from a stay of the foreclosure proceeding set forth therein.

As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.



Subscribed and sworn to before me this 22 day of May, 1997.

Alice L. Sisemore
Notary Public for Oregon.
My commission expires 8/2/99

NOTE: An original amended notice of the sale, bearing the trustee's actual signature, should be attached to the foregoing affidavit.

**AFFIDAVIT OF MAILING
AMENDED TRUSTEE'S NOTICE OF SALE**
(after release from stay)

Re: Trust Deed From

.....
Grantor
to
.....
Trustee

WILLIAM L. SISEMORE
Attorney at Law
540 Main Street
Klamath Falls, OR 97601

(DON'T USE THIS
SPACE. RESERVED
FOR RECORDING
LABEL IN COUN-
TIES WHERE
USED.)

STATE OF OREGON,
County of } ss.

I certify that the within instrument was received for record on the day of 19....., at o'clock M., and recorded in book/reel/volume No. on page or as fee/file/instrument/microfilm/reception No. Record of Mortgages of said County.
Witness my hand and seal of County affixed.

NAME TITLE
By Deputy

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

STATE OF OREGON)
) SS
 County of Klamath)

I, William L. Sisemore, being first duly sworn, depose and say and certify that:

At all times hereinafter mentioned I was and now am a resident of the State of Oregon, a competent person over the age of eighteen years and not the beneficiary or beneficiary's successor in interest named in the attached original notice of sale given under the terms of that certain deed described in said notice.

I gave notice of the sale of the real property described in the attached notice of sale by mailing a copy thereof by both first class and certified mail with return receipt requested to each of the following named persons (or their legal representatives, where so indicated) at their respective last known addresses, to-wit:

NAME AND ADDRESS

Dan R. Cox
 2815 E. North Lane
 Phoenix, AZ 85028

Michael L. Brown
 2815 E. North Lane
 Phoenix, AZ 85028

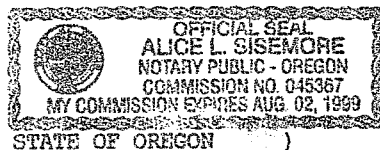
Said persons include (a) the grantor in the trust deed, (b) any successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice, (c) any person, including the Department of Revenue or any other state agency, having a lien or interest subsequent to the trust deed if the lien or interest appears of record or the beneficiary has actual notice of the lien or interest, and (d) any person requesting notice, as required by ORS 86.785.

Each of the notices so mailed was certified to be a true copy of the original notice of sale by William L. Sisemore, attorney for the trustee named in said notice; each such copy was contained in a sealed envelope, with postage thereon full prepaid, and was deposited by me in the United States post office at Klamath Falls, Oregon, on December 20, 1996. With respect to each person listed above, one such notice was mailed with postage thereon sufficient for first class delivery to the address indicated, and another such notice was mailed with a property form to request and obtain a return receipt and postage thereon in the amount sufficient to accomplish the same. Each of said notices was mailed after the notice of default and election to sell described in said notice of sale was recorded.

As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.

William L. Sisemore
 William L. Sisemore

Subscribed and sworn to before me on December 20, 1996.



Alice L. Sisemore
 Notary Public for Oregon
 My Commission Expires: 02/02/99

STATE OF OREGON)
) SS

County of Klamath) I certify that the within instrument was received for record on the
 12th day of June, 1997, at 1:31 o'clock P.M., and recorded in
 book/real/volume No. M97 on page 18057 or as fee/file/instrument/microfilm/reception No.
 39153, Record of Mortgages of said County.

Witness my hand and seal of County affixed. Bernetha G. Letsch, Co. Clerk

After recording, return to:
William L. Sisemore
Attorney at Law
540 Main St., #301
Klamath Falls, OR 97601

BY Kathleen Roes
 Deputy

Fee: \$30.00